

**MINUTES OF THE  
UTAH CONSTITUTIONAL REVISION COMMISSION**  
Friday, May 14, 1999 - 9:00 a.m. - Room 405 - State Capitol

**Members Present:**

Mr. Gayle McKeachnie, Chair  
Rep. Afton B. Bradshaw  
Mr. W. Craig Jones  
Mr. Morris Linton  
Sen. Howard C. Nielson  
Speaker Martin R. Stephens  
Mr. Richard V. Strong  
Dr. Jean Bickmore White  
Mr. Kevin Worthen

**Members Excused:**

Justice Christine Durham  
Mr. Alan L. Sullivan, Vice Chair  
Mr. Dallin W. Jensen

**Members Absent:**

Ms. Diana Allison  
President Lane Beattie  
Sen. Mike Dmitrich  
Rep. David M. Jones

**Staff Present:**

Mr. Robert H. Rees,  
Associate General Counsel  
Ms. Angela D. Kelley,  
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order** - Chair McKeachnie called the meeting to order at 9:05 a.m.

**MOTION:** Rep. Bradshaw moved to amend the November 13, 1998 minutes to indicate that "Mr. Carlton" is Blaine Carlton, a bond attorney with the law firm of Ballard Spahr Andrews and Ingersoll.

**MOTION:** Rep. Bradshaw moved to approve the minutes of the November 13, 1998 meeting, as amended. The motion passed unanimously.

**MOTION:** Sen. Nielson moved to amend the minutes of the February 5, 1999 meeting to indicate that he voted in favor of the motion not to approve H.J.R. 1, Resolution Requiring Extraordinary Vote to Raise Property Tax.

**MOTION:** Sen. Nielson moved to approve the minutes of the February 5, 1999 meeting, as amended. The motion passed unanimously.

**2. Discussion of resolutions which passed and failed during the 1999 General Session -**

Mr. Rees explained that five resolutions were numbered in the 1999 General Session and that the commission voted not to approve three of the resolutions. The commission voted in support of

the other two resolutions, H.J.R. 4, Resolution Changing State Election Cycle, and S.J.R. 5, Resolution Amending State and Local Government Provisions. He said that H.J.R. 4 passed in the House but was defeated in the Senate. He said that S.J.R. 5 passed with amendments. He explained the amendments that were made to that resolution.

Speaker Stephens asked about the amendments to Article IV, Section 9, that are proposed by S.J.R. 5. He asked about the commencement of the term of legislators, given the language of Article IV, Section 9 excluding legislators from the provision indicating that terms begin the first Monday in January.

Mr. Strong referred the commission to Article VI, Sections 3 and 4 of the Constitution, which state when the term of legislators begins.

Chair McKeachnie welcomed Speaker Stephens to the commission.

**3. Election of a new Chair and Vice Chair** - Mr. Rees distributed a handout titled "Statute on Selection of Chair and Vice Chair of the Constitutional Revision Commission." Chair McKeachnie explained that his term expires in June 1999 and stated that the commission should probably elect a new chair and vice chair so that they can oversee the commissions establishment of study items for the year.

The commission accepted nominations for a new chair. Mr. Alan Sullivan was elected as chair by secret ballot.

The commission accepted nominations for a new vice-chair. Dr. Jean Bickmore White was the only nominee.

**MOTION:** Mr. Linton moved that Dr. White be elected vice chair by acclamation. The motion passed unanimously.

**4. Discussion, H.B. 21, Constitutional Revision Commission Amendments** - Mr. Rees stated that H.B. 21, Constitutional Revision Commission Amendments, passed during the 1999 General Session. He discussed the background, history, and language of the bill and said that there are unresolved issues with the language of Subsection 63-54-3(2) under the bill. Those issues concern the extent to which the amendments in H.B. 21 restrict the commission from studying topics that are the subject of resolutions considered but not passed by the Legislature. He said that the intent of H.B. 21 appears to have been to require the commission to take a position on a proposed constitutional amendment before the Legislature acts on it.

The commission discussed the meaning of subsection (2). Commission members expressed concern that the commission comply with the wishes of the Legislature as expressed through H.B. 21 but also expressed some uncertainty about what exactly was intended by the bill.

**MOTION:** Mr. Linton moved to ask legislative leadership to look at H.B. 21, Section 63-54-3(2), to determine whether there is a common understanding between leadership and the commission. The motion passed unanimously.

**5. Prioritization – Selection of 1999 study priorities** - Chair McKeachnie said that Rep. A. Lamont Tyler requested that the commission study Utah's judicial retention process with comparisons to other states. Mr. Rees indicated that the Revenue and Taxation Interim Committee had asked the commission last year to study the issue of classification with respect to tangible personal property taxation and that the commission had concluded that there appeared to be no immediate need to amend the constitution because, in the commission's view, classification under the constitution is already permissible. The commission decided instead to study the larger issue of tangible personal property taxation generally.

Dr. White recommended the study of both tangible and intangible property.

**MOTION:** Rep. Bradshaw moved to put the retention election issue on the agenda as a study item. The Commission briefly discussed the motion. The motion passed unanimously.

**MOTION:** Sen. Nielson moved to review H.J.R. 4, Resolution Changing State Election Cycle, if permissible under the new law as interpreted by the legislative leadership. The motion passed unanimously.

Mr. Rees distributed a handout titled "Constitutional Revision Commission Potential Study Items for 1999," and discussed its contents.

The commission discussed the items from the handout and decided which items should be on the list of study items for this year.

**MOTION:** Sen. Nielson moved to study all of the items listed in the handout except the Legislative Issues and the Education Article. The motion passed unanimously.

**MOTION:** Mr. Strong moved to have staff, the chair, and vice chair organize and prioritize the study items for the Commission meetings this year. The motion passed unanimously.

Mr. Rees said that staff is in the process of correcting discrepancies in the Utah Constitution, as published by the commission, from 1896 to the present.

**6. 1999 Meeting Schedule -** A copy of the proposed 1999 meeting schedule was distributed.

**MOTION:** Speaker Stephens moved that the June 11, 1999 meeting be changed to June 4, 1999 at 9:00 a.m. The motion passed unanimously.

**7. Other Business -** Chair McKeachnie recommended that the new chair and vice chair write a letter to the governor explaining that there will be a vacancy in June and that it will be necessary to appoint someone else to the commission.

**8. Adjourn -**

**MOTION:** Mr. Strong moved to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 10:50 a.m.